

FEB 23 2009

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## FAX TRANSMISSION

Date: February 23, 2009  
To: Examiner J. Van Bramer GAU 3622 U.S. Patent and Trademark Office  
Fax: 571-273-8300  
From: William J. Clemens  
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COMMENTS: In response to the Notification of Non-Compliant Appeal Brief, dated February 18, 2009, please see the following Amended Brief on Appeal for filing in the patent application S/N 09/940,117. Thank you.

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2009

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By William J. Clemens

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: ROBIBERO	)	Group Art Unit: 3622
	)	
Serial No.: 09/940,117	)	Examiner: J. Van Bramer
	)	
Filed: August 28, 2001	)	Attorney Docket: 15662
	)	
For: APPARATUS AND METHOD FOR USING EQUIPMENT REMOTE ...	)	Confirmation No.: 3920
	)	

January 11, 2009

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDED BRIEF ON APPEAL

Honorable Sir:

This is an Appeal from the action of the Examiner dated July 8, 2008, finally rejecting Claims 18-39 in the above-identified patent application. Appellant filed a Notice of Appeal and a Pre-Appeal Brief Conference Request on October 7, 2008. A Pre-Appeal Brief Conference Decision was mailed on December 11, 2008, and reset the time period for filing Brief on Appeal to one month from the mailing date of the Decision. This Brief on Appeal is being filed under the provisions of 37 C.F.R. § 41.37.

A decision on whether to request an oral hearing will be delayed until after the Examiner's Answer has been received.

(i) *Real Party in Interest:*

The real party in interest is INVENTIO AG, the assignee of record.

FEB 23 2009

(ii) *Related Appeals and Interferences:*

Appellant is not aware of any related appeals or interferences.

(iii) *Status of Claims:*

Claims 1-17 are cancelled. Claims 18-39 remain pending in the application and presently stand rejected. This appeal is taken as to all of the rejected claims.

(iv) *Status of amendments:*

There are no amendments pending in the application.

(v) *Summary of claimed subject matter:*

The invention sought to be patented relates to a method and an apparatus for using customer equipment remote monitoring to generate automated product sales offers to the associated customer based upon perceived need. While monitoring elevator and escalator systems, a remote monitoring system can control and assess many equipment or system parameters, which can later be used to justify a specific product offering or upgrade that would be of interest to a customer. For example, parameters that can be used to determine specific customer product offering opportunities include, but are not limited to, application modifications such as changes in software, mode of operation, and features, usage parameters such as run time, trips per hour, and cycle times, environmental parameters such as temperature changes, utility power, and weather, and equipment performance parameters such as mechanical deterioration. This monitored data is typically stored in a central database, or an equipment database. The present invention recognizes that relevant target system parameters may be identified that indicate customer needs from parameters that are already being monitored by the remote monitoring system and stored in the equipment database. A novel database can be then created for utilizing these target parameters for the customer's specific installation. The novel database matches new or upgraded product benefits from the enterprise-wide information database system to these target parameters. The matched information is then processed automatically into a proposal for the new product or upgrade for the customer

and sent either by mail or over the Internet directly to the customers, or sent internally within the service company to be used as leads by service company sales representatives.

The novel apparatus as set forth in independent Claim 18 comprises:

- a. an input means located at and connected to an elevator installation or an escalator installation for receiving dynamic parametric data information related to electrical and mechanical operating parameters of customer equipment in the installation being remotely monitored, said dynamic parametric data information being suitable for service purposes, said operating parameters including at least one of a usage parameter, an environmental parameter and mechanical deterioration; (Specification at: page 6, line 19 through page 7, line 3, Drawings at: Fig. 1, reference numerals 12 and 14.)
- b. an equipment database storage device remote from the installation and connected to said input means for receiving and storing said dynamic parametric data information in a form suitable for determining when to take corrective service action at the installation based upon said dynamic parametric data information; (Specification at: page 7, lines 9-30. Drawings at: Fig. 1, reference numeral 20.)
- c. a product database storage device for storing product information related to characteristics of a plurality of products related to the customer equipment, said product information for each said characteristic including a limit corresponding to a possible value of said dynamic parametric data information of an associated one of said operating parameters; and (Specification at: page 7, line 31 through page 8, line 15. Drawings at: Fig. 1, reference numeral 22.)
- d. an offer generator means connected to said equipment database storage device and to said product database storage device for comparing a value of said stored dynamic parametric data information of a selected one of said operating parameters with at least one of said stored product information limits corresponding to said selected one operating parameter, said offer generator means generating a sales offer for a product associated with said

limit directed to the customer associated with the customer equipment when said value and said limit have a predetermined relationship representing a maintenance requirement. (Specification at: page 8, lines 5-

PAGE 5/5 \* RCVD AT 2/23/2009 8:57:29 AM [Eastern Standard Time]\* SVR:USPTO-EFXRF-4/22 \* DNIS:2738300 \* CSID:2486841243 \* DURATION (mm:ss):07:10

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